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Christophe Bouret

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09/20/2007

WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

EXAMINER

DALENCOURT, YVES

ART UNIT

PAPER NUMBER

2157

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/026,922

Applicant(s)

BOURET ET AL.

Examiner

Yves Dalencourt

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 11-28, 30 and 32-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-28, 30, and 32-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is responsive to amendment filed on 07/05/2007.

Response to Amendment

The Examiner has acknowledged Applicant's response.

Response to Arguments

Applicant's arguments filed on 07/05/2007 have been fully considered but they are not persuasive.

Regarding Applicant's argument (pages 2 and 3), that Amin does not teach "establishing all interfaces required for providing a service connection based on information communicated by means of said protocol so as to establish interfaces between the interface entity and the external service provider without any beforehand defined interfaces for the service provisioning ". The Examiner respectfully disagrees with Applicant's assertion because Amin discloses that an end user may send SIP messages with appropriate desired QoS using SIP and SDP protocol to the serving protocol server. The serving protocol server interfaces with the core network components of the access network service provider to facilitate the end user need) (see col. 8, line 61 through col. 9, line 37; col. 13, lines 48 – 62). In view of such passage, Amin does suggest in a broad sense the idea of establishing interfaces between the interface entity and the external service provider without beforehand defined interfaces for the service provisioning.

The Examiner contends that the combination of CORBA and Amin does read on the claimed limitation argued by the Applicant.

In fact, it appears that Applicants are interpreting the claims very narrow without considering the broad teaching of the reference used in the rejection.

Applicants are reminded that the examiner is entitled to the broadest reasonable interpretation of the claims. Applicants always have the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater 162 USPQ 541,550-51 (CCPA 1969).

In view of such, the rejection is maintained as follows:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 – 3, 7, 11, 13, 14, 17, 22 – 24, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over (Orfali, hereinafter). Orfali reference is based on CORBA and JAVA technologies; Orfali reference incorporates CORBA specifications/documentations at www.omg.org (the website is referenced on page 973 of Orfali). For the purposes of examination, the relevant document is "CORBA Services: Common Object Services Specification." (CORBA 1, hereinafter) in view of Amin et al (US 6,910,074; hereinafter Amin).

With regard to amended portions of claim 1, CORBA 1 shows:

broadcasting from said at least one external service provider offers that associate with services to an interface entity associated with the data network [See page 16-2 of CORBA-1. Exporting trader (external to an importing trader) sends offers. See section 16.2.7 of CORBA_1. See paragraph 4, on page 16-2 of CORBA_1. The paragraph describes a client working with a trader, which then sends offers to a federation of traders. Thus, offers are "broadcast" to more than one interface entity (See Section 16.1.1 and 16.1.2, which indicate that the message maybe sent to more than one service ("broadcasting"))]; processing the broadcast offers at the interface entity in order to make a decision regarding the acceptance of the offers [See page 16-9 of CORBA-1, Section 16.2.7].

CORBA_1 discloses all the limitations, but fails to teach the step of establishing all interfaces required for providing a service connection based on information

communicated by means of said protocol so as to establish interfaces between the interface entity and the external service provider without any beforehand defined interfaces for the service provisioning.

However Amin teaches an analogous system and method for service session management in an IP centric distributed network, which discloses the step of establishing all interfaces required for providing a service connection based on information communicated by means of said protocol so as to establish interfaces between the interface entity and the external service provider without any beforehand defined interfaces for the service provisioning (col. 8, line 61 through col. 9, line 37; col. 13, lines 48 – 62; Amin discloses that an end user may send SIP messages with appropriate desired QoS using SIP and SDP protocol to the serving protocol server. The serving protocol server interfaces with the core network components of the access network service provider to facilitate the end user need).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of CORBA_1 by establishing all interfaces required for providing a service connection based on information communicated by means of said protocol as evidenced by Amin for the purpose of providing the framework for setting up communication between remote entities, thereby ensuring that information can be continuously and reliably transmitted through the use of multiple network connections.

With reference to claims 2, 3, and 30, CORBA_1 and Amin disclose all the limitations in claim 1, and Amin further discloses that said protocol comprises a session

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initiation protocol (SIP) and HyperText Transfer Protocol (HTTP) (col. 8, line 61 through col. 9, line 37; col. 13, lines 48 – 62; col. 22, lines 17 - 28). The motivation stated above, also applied to claims 2, 3, and 30.

With reference to claim 7, CORBA_1 and Amin disclose all the limitations in claim 1, and CORBA_1 shows that an authentication procedure is accomplished between the interface entity of the data network and the external service provider. See Section 15.3.1 on page 15 - 18 and Fig. 15 - 3 on page 15 - 19 of CORBA_1. Note that the Security Service is one of CORBA services.

With reference to claim 11, CORBA_1 and Amin disclose all the limitations in claim 1, and CORBA_1 shows modifying the requested service to-be-suitable for use in the data network based on information communicated by means of said protocol (See Modify operation on page 16-42 of CORBA_1).

With reference to claim 13, CORBA_1 and Amin disclose all the limitations in claim 1, and CORBA_1 shows at least one of the services comprises a call management service. See the call management services provided by Link interface in Section 16.5.6 on page 16-49 of CORBA_1. Link service manages how calls are made to a set of traders.

With reference to claim 14; CORBA_1 and Amin disclose all the limitations in claim 1, and CORBA_1 shows that at least one of the clients comprises an end user of the data network. The CORBA end user is the one who calls one of the functions of the interfaces Register and Lookup in the Section 16.5 of CORBA_1.

With reference to claim 17, CORBA_1 and Amin disclose all the limitations in claim 16, and CORBA_1 shows the service discovery interface discovers only selected offers. See Fig. 16-3, in CORBA_1. Note the query operations for Lookup interface.

With reference to claim 22, CORBA_1 and Amin disclose all the limitations in claim 1, and CORBA_1 shows the interface entity comprises a plurality of application programming interfaces. All of the Section 16.5 of CORBA 1 is devoted to describing application programming interfaces.

With reference to claim 23, Orfali and Amin disclose all the limitations in claim 1, and Orfali shows that wherein the data network is adapted to communicate packet data. It suffices to note that HOP (see page 14 of Orfali) stands for Internet Inter-ORB Protocol. The Internet transports IP packets.

With reference to claim 24, Orfali and Amin disclose all the limitations in claim 1, and Orfali shows that the communication in the data network is based on the Internet Protocol (IP). It suffices to note that HOP (see page 14 of Orfali) stands for Internet Inter-ORB Protocol. The Internet transports IP packets.

Claims 5 - 6, 12, 16, 18 - 21, 27 - 28, and 32 - 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orfali, Amin, and other incorporated references in Orfali.

With reference to claims 5 and 12, CORBA_1 shows the step in which the at least one [external] service provider offers the services based on said protocol, but does not indicate that the service provider is external. See paragraphs 2, on page 16-2 of

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CORBA-1, for the procedure in which the service provider gives a trader its service and location of the interface. Note that the service --is-based-on-IIOP(Internet Inter-ORB Protocol). It would have been obvious to one skilled in the art at the time of the invention, to allow services nodes that are external to the intranet, because the CORBA uses HOP (Interoperable Internet Object Protocol), which is designed to use the Internet and thus have access to services world-wide (See paragraph 3, of page 16-2 of CORBA_1).

With reference to claim 6, CORBA-1 shows that the offers are broadcast to be received by interface entities of at least two data networks. See paragraph 4, on page 16-2 of CORBA_1. The paragraph describes a client working with a trader, which then works with federation of traders. Thus, offers are broadcast to more than one interface entities. However, it is not shown whether there are more than one data networks involved.

It would have been obvious to one skilled in the art at the time of the invention that there are more than one data networks from which the trader federation is composed, because CORBA uses IIOP (Interoperable Internet Object Protocol), which is designed to use the Internet and thus have access to services, and therefore, to networks, world-wide (See paragraph 3, of 16-2).

With reference to claim 16, CORBA-1 shows a service discovery interface of the interface entity monitors for offers by the at least one service provider. See Lookup interface in Section 16.5 of CORBA_1. CORBA_1 does not show that one of the traders or that registered service is external to the network.

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The rationale for obviousness for having external service provider is as same as that given for claim 5.

With reference to claim 18, CORBA_1 and Amin disclose all the limitations in claim 1, and CORBA_1 shows the interface entity sends an inquiry for a service to at least one [external] service provider. See Sections 16.1.1 and 16.1.2 in CORBA_1, where a trader sends an inquiry for service to other traders. CORBA 1 does not show that one of the end service providers is external to the network.

The rationale for obviousness for having external service provider is as same as that given for claim 5.

With reference to claim 19, CORBA_1 shows that the inquiry is broadcast to possible service providers. Sections 16.1.1 and 16.1.2 of CORBA- t indicate that the message maybe sent to more than one service.

With reference to claim 20, CORBA_1 shows that the offers by the at least one service provider are registered in a register function. See Register described in Section 16.5.3 of CORBA_1. The limitation, which CORBA 1 does not show, that of the service provider being external, has been discussed with claims 18 and 19.

With reference to claim 21, CORBA_1 in combination with Amin do not show that charging interface of the interface entity is employed for signing or a service usage agreement. However, Orfali, on page 892, shows an interface for billing a client.

It would have been obvious to provide an interface for charging a client, in order to bill the client for use of a particular service.

Claims 27 - 28 and 32 - 35 substantively incorporate all the limitations of claims 1, 5, 7-9, 17, 22, and 23, but in apparatus or product form.

The reasons for the rejections of claims 1, 5, 7-8, 17, 22, and 23 apply to claims 27-28 and 32-35. Therefore, claims 27-28 and 32-35 are rejected for substantively the same reasons.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orfali and Amin, in view of "OMG Members Meet to Advance Integration Standards." (CORBA SOAP, hereinafter).

Claim 4 refers to SOAP, neither of which Orfali and Amin show in combination with CORBA. However, CORBA SOAP illustrates shows SOAP and HTTP (the third paragraph in page 1 of CORBA_SOAP). It would have been obvious to one of ordinary skill in the art at the time of the invention to use SOAP and CORBA, because CORBA_SOAP shows the concept of having a system that uses SOAP over HTTP to access CORBA servers. See the third paragraph in page 1 of CORBA SOAP.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orfali, in view of "Parlay APIs 2.1: Generic Messaging Service Interfaces." (PARLAY MESSAGING, hereinafter)

With reference to claim 15, Orfali does not show that the services are provided based on a model that is modified from a model defined by the Parlay Group. PARLAY MESSAGING shows a -messaging model.

It would have been obvious to one skilled in the art at the time of the invention to implement a model that is defined by the Parlay Group in PARLAY MESSAGING,

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because many of the underlying functionalities described in PARLAY MESSAGING are required for messaging services. See CORBA Event Services, on page 58 of Orfali.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orfali and Amin, in view of Webmail.us host webpage (WEBMAIL, hereinafter)

With reference to claim 25, Orfali and Amin do not show the operator of the data network pays for the use of at least one service offered by the at least one external service provider. WEBMAIL shows an arrangement in which email service is hosted on an external service provider. A small business or a company with a network could hire the WebMail.us and pay for its use.

It would have been obvious to one of ordinary skill in the art at the time of the invention to hire WebMail.us to provide a mail hosting service for a data network, because providing web mail hosting is what the company does for business.

Claim 26 is rejected under 35 U.S.C. 103(a) a.5 being unpatentable over Orfali and Amin, in view of "Configuring Easy IP" (PPP, hereinafter).

With reference to claim 26, Orfali does not show that a point-to-point like connection is established based on information communicated by means of said protocol. PPP shows using point-to-point protocol, on page 2 under the heading "List of Terms."

It would have been obvious to establish point-to-point connection to one of ordinary skill in the art at the time of the invention, because the point-to-point protocol is used for dynamic client IP address allocation for providing network services.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (571) 272-3998. The examiner can normally be reached on M-TH 7:30AM - 6: 00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 12, 2007


YVES DALENCOURT
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100